

DALE BREWER,)	AGBCA Nos. 2000-141-1
)	2000-142-1
Appellant)	2000-143-1
)	2000-144-1
Representing the Appellant:)	
)	
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)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

March 14, 2001

Before HOURY, POLLACK, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

These appeals arose out of four salvage sale permits (contracts), Big Fork Blowdown, Nos. 1, 2, 3 and 4 (Nos. 953284, 953292, 953300, 953318) between Dale Brewer (Appellant) of Norman, Arkansas, and the U. S. Department of Agriculture, Forest Service (FS), Ouachita National Forest, Mount Ida, Arkansas. The dispute arose out of interruption and cancellation of the four sales. The FS had canceled the sales due to an injunction in the case of Heartwood v. USFS, No. 98-CV-4289-JPG (S. D. Ill.), which addressed the use of categorical exclusions for timber harvests. The injunction did not specifically address this series of permits. Appellant claimed that because of delays and the ultimate cancellation of the contracts, he is due the sum of \$23,165.23, which included reimbursements for various costs incurred, as well as for lost profits and lost opportunity.

By decision dated March 7, 2000, the Contracting Officer (CO) allowed a portion of the claim but denied the remainder. By letter of March 20, 2000, the Appellant filed a timely appeal. The Board

has jurisdiction over this timely filed appeal pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613, as amended.

In Appellant's Complaint, the Appellant revised the sum in dispute to \$14,682. After pleadings were filed, Appellant elected a hearing. On August 28, 2000, the Board conducted a telephone conference, at which time the parties were given the presiding judge's initial evaluation of their respective positions, based on the record then before the Board. The parties then engaged in settlement negotiations and reported back that a settlement had not been reached. The Board then undertook a second attempt at settlement and conducted further discussions with the parties. As a result of those discussions the parties agreed to review their positions.

By letter dated February 6, 2001, the Board was notified by counsel for the FS that the parties had entered into a settlement agreement of all matters presently before the Board, and that an Order be issued dismissing the appeal.

DECISION

In accordance with the agreement of the parties, the appeal is dismissed.

HOWARD A. POLLACK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D. C.
March 14, 2001